

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES ex rel.
STEVEN SIMRING

Plaintiffs,

v.

UNIVERSITY PHYSICIAN ASSOCIATES
(UPA), UNIVERSITY OF MEDICINE AND
DENTISTRY, UMDNJ-UNIVERSITY HOSPITAL,
UMDNJ- NEW JERSEY MEDICAL SCHOOL,
et al.

Defendants

Civil Action No. 04-3530 (WJM)

ORDER

The Court, having considered the United States Notice Of Partial Intervention For Purpose Of Settlement As To Certain Defendants And Notice of Declination As To All Other Defendants, together with the Joint Stipulation of Partial Dismissal submitted by the United States and the Relator Dr. Steven Simring, it is hereby ORDERED:

1. Pursuant to 31 U.S.C. § 3730, the United States has intervened in this action for purposes of settlement with respect to Defendants University of Medicine and Dentistry of New Jersey and University Hospital (collectively, UMDNJ). With respect to all other Defendants, the United States has declined to intervene.
2. The United States, the Relator and UMDNJ have executed a written Settlement Agreement, a copy of which is attached hereto (Attachment A), in settlement of

the United States' claims against UMDNJ based on the Covered Conduct as defined in the Settlement Agreement. This Joint Stipulation of Dismissal is consistent with the terms of the Settlement Agreement.

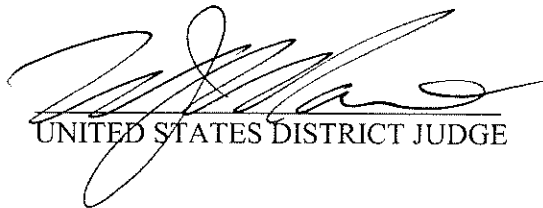
3. The United States has received payment of the settlement amount, as provided in the Settlement Agreement. The Relator has received payment of the Relator's share of the settlement amount, as provided in the Settlement Agreement.
4. No answer or motion for summary judgment has been filed by any adverse party.
5. Accordingly, the United States and the Relator request that, pursuant to Fed. R. Civ. P. 41(a)(1) and 31 U.S.C. § 3730(b)(1), the claims set forth in the Relator's Complaint be dismissed, as follows:

- (a) Allegations in the Relator's Complaint against the University of Medicine and Dentistry of New Jersey and University Hospital shall be dismissed with prejudice as to the Relator;
- (b) Allegations in the Relator's Complaint against the University of Medicine and Dentistry of New Jersey and University Hospital based on the Covered Conduct as defined in the Settlement Agreement shall be dismissed with prejudice as to the United States.
- (c) Any remaining allegations in the Relator's Complaint against the University of Medicine and Dentistry of New Jersey and University Hospital not based on the Covered Conduct as defined in the Settlement Agreement shall be dismissed without prejudice as to

the United States.

6. The Court shall retain jurisdiction to resolve any disputes regarding Relator's entitlement to reasonable expenses, attorneys' fees and costs from UMDNJ pursuant to 31 U.S.C. § 3730(d)(1), which disputes may be brought before the Court by motion within 60 days from the date of this Order and thereafter as may be agreed by the parties and ordered by the Court.

SO ORDERED


UNITED STATES DISTRICT JUDGE

Dated:

August 24, 2009